

Alpine Amador Butte Calaveras Colusa
Del Norte El Dorado Glenn Imperial
Inyo Lake Lassen Madera Mariposa



Merced Modoc Mono Napa Nevada Placer
Plumas San Benito Shasta Sierra Siskiyou
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August 16, 2011

Delta Stewardship Council
980 9th Street, Suite 1500
Sacramento, CA 95814
Submitted via e-mail to: deltaplancomment@deltacouncil.ca.gov

Re: Fifth Staff Draft Delta Plan

Members of the Delta Stewardship Council:

On behalf of the thirty member counties of the Regional Council of Rural Counties (RCRC), I appreciate the opportunity to once again submit comments on the draft Delta Plan. As you know, RCRC has submitted comments on each of the four previous drafts of the Delta Plan separately, as well as joining as a signatory on two coalition letters. RCRC anticipates submitting more detailed comments on the upcoming Draft Environmental Impact Report (DEIR) after its release.

To repeat our comments from our June 30, 2011 comment letter to the Delta Stewardship Council (DSC) on the topic of the EIR, RCRC urges the DSC to ensure that the DEIR include an analysis of all the environmental (and economic) consequences, including indirect consequences, of each of the seven alternatives. This analysis will be key in assessing how well each alternative will meet the coequal goals while at the same time ensuring that actions taken to meet the coequal goals do not negatively impact other areas of the state. For example, if the DSC Delta Plan continues to promote a "more natural flow regime" the EIR analysis must assess the impact on areas upstream of the Delta.

RCRC has chosen where applicable not to repeat comments submitted to the DSC on drafts one through four.

Preface – Achieving the Coequal Goals: A Worthy Challenge

Page 4, lines 1-2

This sentence states that the Delta Plan seeks to achieve the coequal goals through "a mix of near-term actions....and longer-term actions...". RCRC has previously commented on the fact that the Delta Plan does not, in our view, contain a "plan". Unfortunately, this fundamental criticism of the Delta Plan has not changed. The DSC

proposed draft Delta Plan may contain 12 regulatory policies and 61 recommendations – but they are not tied together in a cohesive, linked manner i.e. a “plan”.

In a letter dated June 13, 2011, RCRC urged the DSC to discuss and give full consideration to the content of the Alternate Delta Plan submitted by the Ag-Urban Coalition as it lays out near-term, medium-term and long-term actions to be taken in an orderly progression. These actions include coordination among agencies, the identification of opportunities to integrate programs, and the development through a cooperative public process of a set of metrics for measuring success in terms of achieving the coequal goals. RCRC is disappointed that the DSC has not had any focused policy discussion on the content of the Alternate Delta Plan which is supported by a large coalition of varied interests.

Page 5-6, lines 21-12

This section discusses improved water supply reliability – for exporters. The law specifically mentions improved statewide water supply reliability – not just for South-of-the-Delta water suppliers/users. North-of-the Delta water suppliers/users also seek to enhance their regional self-sufficiency with the addition, for example, of new water storage and new and/or improved infrastructure. As you know, Water Code section 85021 states “Each region that depends on the water from the Delta watershed shall improve its regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts.”

RCRC suggests that this section be revised and divided into two parts – one of which should deal with improved statewide water supply reliability.

Page 6, lines 13-24

In this section the DSC makes a statement of policy, i.e. “To the extent possible, we now must work to operate our water infrastructure in a way that mimics a more natural hydrograph.” To repeat previous comments, the Delta Plan continues to place an overemphasis on flows i.e. the water flowing into and out of the Delta. RCRC believes that a comprehensive ecosystem approach is desirable, and that all the significant factors should be evaluated and addressed.

Another statement made in this section relates to “land use planning that ensures that future ecosystem restoration and floodplain expansion are not precluded.” RCRC supports the comments submitted by the five Delta counties on these issues.

Page 6-7, lines 35-8

RCRC appreciates the statement contained in this section relating to the DSC authority – specifically that the DSC does not have the authority to regulate those who exclusively use water upstream of the Delta.

Chapter 1- The Delta Plan

The text of Chapter 1 does a good job of providing background information in a manner that will assist the public in understanding the issues surrounding the Delta.

Chapter 2 – Science and Adaptive Management for a Changing Delta

Page 37, lines 12-41

RCRC appreciates that the requirement for a formal adaptive management strategy is now limited to ecosystem restoration and water management covered actions. However, to repeat previous comments, RCRC believes that there should be some consideration given to the scale and type of such projects.

Also, please see RCRC's previous comments on available funding and the need for more focus in the science program.

Chapter 3 - Governance: Implementation of the Delta Plan

Page 58, lines 21-31

RCRC appreciates that the Delta Plan now includes “administrative exemptions” identifying the types of projects that are not covered actions and that these now include ministerial projects and emergency projects under CEQA as well as temporary water transfers of one year or less.

Page 60-61, lines 29-9

RCRC supports the Delta counties position relating to the certifications of consistency process for covered actions and the related requirements.

Chapter 4 – A More Reliable Water Supply for California

Page 82-83, lines 4-5

WR P1 seeks to impose certain requirements on parties to a “covered action” water transfer meeting certain criteria. In addition to compliance with specific existing laws, water suppliers (buyers and sellers) whose water transfers meet the covered action criteria would be required to expand or add a water reliability element to their Ag/Urban water management plan containing certain elements, and require that the water suppliers develop and implement a conservation-oriented rate structure by December 31, 2020. RCRC believes the rate-structure requirement, in particular, will likely have a dampening effect on the willingness of upstream water suppliers to engage in water transfers that come under the purview of the DSC. Discouraging upstream water suppliers from engaging in water transfers is counter-productive and will not increase water supply reliability.

Page 84-86, lines 38-29

The Delta Plan continues to place a special emphasis on the topic of Delta flows. RCRC once again urges the DSC to consider including in the Delta Plan a greater emphasis on other actions that can be taken, examples of which can be found in the Alternative Delta Plan.

ER P1 continues to indicate that the State Water Resources Control Board should adopt and implement updated flow objectives for the Delta by June 2, 2014 – while acknowledging in the footnote that implementation through hearings is expected to take longer than the deadline.

ER P1 then goes on to state that if by June 30, 2013 the State Water Board indicates that they cannot meet the dates contained in ER P1 that the DSC will consider and may amend the Delta Plan to achieve progress by means other than updated flow requirements. Please see RCRC's previous comment letters on this specific topic.

Chapter 5 – Restore the Delta Ecosystem

Pages 112-114, lines 1-7

This section, relating to creating a more natural flow regime, repeats the language of ER P1 also noted above in RCRC comments on Chapter 4.

RCRC supports the five Delta counties position on the topics of land use planning and habitat restoration.

Appendix I – Funding Sources

Appendix I contains a discussion of potential funding sources. Please refer to RCRCs comments on previous versions of the draft Delta Plan on this topic.

Again, RCRC appreciates the opportunity to comment on the draft Delta Plan. Please direct any questions to me at (916) 447-4806 or kmannion@rcrcnet.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Mannion".

Kathy Mannion
Legislative Advocate

cc: Joseph Grindstaff, Executive Officer